IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1299 OF 2007

Kalpana Kutur ..Applicant

Vs.

The Intelligence Officer
Air Intelligence Unit,
Customs Mumbai and Anr. ..Respondents

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Mr.Brijesh Singh with Shri.Rizvan C.Merchant advocate for applicant
Mr.H.V.Mehta, advocate for respondent no.1
Mr.K.V.Saste A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MAY 03, 2007

P.C.

1. Heard the learned advocate for the applicant, learned counsel for the respondent no.1 and the learned A.P.P. for the State.

2. The applicant is seeking bail in RA No.332 of 2006. The said case pertains to AIU Customs. The bail is sought on medical grounds i.e. the applicant is suffering from various ailments and she also requires surgery of the knee.

3. Mr.Merchant, the learned advocate for the

applicant states that at present he is not pressing prayer for bail on medical ground and he seeks liberty to file a fresh application on medical grounds at a later stage. Liberty as prayed for, is granted.

4. Mr.Merchant submitted that at present he is only seeking that the applicant be allowed to undergo the knee surgery and take treatment for the other ailments at Hinduja or Nanavati Hospital under escort.

5. In the present case, report had been called for from J.J.Hospital where the applicant has been admitted since about four months and is undergoing treatment. The Supdt. of J.J.Hospital has submitted a detailed report relating to the health of the applicant. In the said report, it is stated that she is suffering from epilepsy and joint right knee of the applicant has to be operated upon. In the said report, it is mentioned that operation is proposed on 30.4.2007 by Ortho Unit Incharge. However, it is stated that operation has not been conducted till today. Looking to this fact and other ailments of the applicant, I am inclined to

pass the following order:

6. The applicant is allowed to be admitted and treated in Nanavati hospital for the operation of right knee and treatment for other ailments including epilepsy. The applicant shall be taken under escort from J.J.hospital to Nanavati hospital. After the Doctor at Nanavati hospital thinks that the patient is fit to be discharged, the escorting party shall take the applicant back to Byculla central prison where she was lodged before she was taken to J.J.hospital. It is stated that Dr.Ali Irani is Ortho Physician in the Ortho Unit in Nanavati Hospital. It is stated that the patient would take treatment from Dr.Ali Irani. The costs of escort and hospital expenses shall be borne by the applicant.

7. It is stated that the applicant has two minor children i.e. daughter Mallika aged 6 years and son Aryan aged one and half year and permission is sought that the minor children be allowed to see their mother i.e. applicant in Nanavati hospital. Mr.Mehta, the learned counsel for the respondent no.1 and Mr.Saste, the learned A.P.P. for the

State have no objection to the children meeting the mother provided they adhere to the rules of the hospital. In this view of the matter, the children are permitted to meet their mother i.e. applicant in the Nanavati hospital.

8. Application is disposed of.

[Smt.V.K.Tahilramani, J.]